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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. Serial No.: 10/693,214

Group Art Unit: 1651

Filing Date: October 24, 2003

Examiner: Gitomer, Ralph J.

Applicants: Goueli, Said

Attorney Docket No.: 34506.105DIV

Title: ASSAY FOR KINASES AND PHOSPHATASES

RESTRICTION RESPONSE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

To the Commissioner:

In response to the restriction requirement dated October 12, 2004, the time period for response thereto being set to expire November 12, 2004, Applicants provisionally elect, with traverse, Group II, Claims 14-30.

REMARKS

Applicants provisionally elect Group II, claims 14-30, with traverse.

Restriction is proper only if the restricted claims are independent or patentably distinct and there is no serious burden placed on the Examiner if restriction is not required (MPEP §803). The burden is on the Office to provide reasons and/or examples to support any conclusion of patentable distinctness between the restricted claims (MPEP §803). In this instance, the Office has not carried the burden of providing any reason and/or example to support the conclusion that the claims of the restricted groups are, in fact, distinct. Further, there is clearly no additional burden on the Office if the restriction requirement is not made.